DOCUMENT RESUME

ED 273 011 EA 018 745

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TITLE Teaching School Law.
PUB DATE 86
NOTE 5p.; In: Jones, Thomas N., Ed. and Semler, Darel P., Ed. School Law Update, 1986 (EA 018 725).
PUB TYPE Legal/Legislative/Regulatory Materials (090) -- Viewpoints (120)

EDRS PRICE MF01 Plus Postage. PC Not Available from EDRS.
DESCRIPTORS Elementary Secondary Education; Instructional Leadership; *Law Related Education; Legal Responsibility; *School Law
IDENTIFIERS *National Organization on Legal Problems of Educ

ABSTRACT

Members of the National Organization on Legal Problems of Education (NOLPE) should question what they want educators to remember a decade after completing a basic school law course. The question was put at NOLPE's first convention in 1955 when President Madaline Kinter Remmlein sought cooperation for beginning courses in school law and gave impetus to the movement to include school law in educational management. In those days, local superintendents kept the board updated on legal issues. Today, attorneys skilled in education law are readily available. In 1955, Remmlein drafted school law test items that she submitted to five school law instructors for revision. These items were given to students in school law courses at 27 institutions. Remmlein's 1957 "School Law Test" was widely used for a decade. The test, in three parts, was studied for central tendencies. Some observations drawn from the test that shape a beginning course include: (1) location conditions are more important than content; (2) course content should be aimed at needs of the "role-alike" persons targeted; (3) the best strategy is to administer an entry examination patterned roughly after the Remmlein test at the beginning of the term. The instructor can then answer the question of what educators should remember after completing a basic school law course. (CJH)

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20 Teaching School Law

M. Chester Nolte

What do we want educators to remember five or ten years after completing a basic school law course? The question is perennial: it was the first question NOLPE'ans discussed at the first annual convention back in 1955 (also held in Chicago). NOLPE's first president (1955–1956) Madaline Kinter Remmlein, then NEA's Assistant Director of Research, was sure NEA could help, and she went to work at once. Her findings on the question above set the stage for beginning courses for years to come, and gave an impetus to the new movement to have school law recognized as a legitimate part of educational management.

It was obvious to those at the first annual convention that the 1954 case of *Brown v. Board of Education* would bring about fundamental changes in school management, but it was not readily apparent what school administrators would be called on to know in order to guide boards of education through the threatening shoals. The practice in those days was for the superintendent to keep the board updated on legal issues that came before them. That was before attorneys skilled in education law were as readily available as today. In fact, the early members of NOLPE (never more than 200 in number for the first 15 years) were principally superintendents and professors of school administration, with a smattering of attorneys interested in what might develop. It was not until 1970 that it became clear that superintendents could no longer perform this service, and attorneys became the dominant role-alike group in NOLPE (President John Philip Linn in 1970 doubled the membership by vigorously recruiting attorneys.)

Remmlein began with the premise that in our system every citizen is supposed to know law. But what should a school administrator know that went beyond this basic citizenship requirement? In March 1955, Remmlein composed a rough draft of some 274 school law test items which she submitted to five school law instructors for comment and revision (E.C. Bolmeier, Duke; Lee Garber, University of Pennsylvania; Warren Gauerke, Emory University; Leroy Peterson, University of Wisconsin-Madison; and Roger Shaw, Kent State University). These items were then revised and tried out at 13 institutions during the summer of 1955. On the basis of these preliminary field tests, the items were then revised and tried out in the summer of 1956 on 337 students in the school law courses at 27 institutions. The institutions were: Bucknell University, Butler University, Claremont Graduate School, Duke University, Emory University, Florida State University, George Washing-

ton University, Kent State University, Lewis and Clark College, Los Angeles State College, Mississippi College, Ohio State University, Oklahoma A. & M. College, Omaha University, Rhode Island College, University of California-Berkeley, University of Colorado, University of Florida, University of Idaho, University of Kentucky, University of Nebraska, University of North Dakota, University of Pennsylvania, University of Redlands, University of Toledo, University of Wisconsin-Madison and Western State College of Colorado.

In 1957, *School Law Test* with Remmlein as author was published by the Interstate Printers and Publishers, Inc. of Danville, Illinois. The test was copyrighted by Interstate and was used widely by instructors in beginning school law courses for approximately a decade. Complete with a *Teacher's Manual* (published separately), the test shaped early courses in the field, and provided some "standardization" to the results, although Remmlein cautioned that the small sample precluded reliability for the test.

One of the problems with the first test was the determination of what weight to give to each of the items. Should the correct analysis of a case digest be given more weight than knowledge of the meaning of a single legal word? It was. Other types of questions were considered to be of relative importance somewhere between meaning of words and analysis of case digests. "The consensus was so nearly unanimous," wrote Remmlein in the portion on weighting, "that weights were assigned and the tests scored accordingly."

With the application of weights to each question, a perfect score on the 97 items in the revised test was 180, divided as follows:

Part I: ACQUAINTANCE WITH LEGAL TERMS	
Question 1.	30 points (three groups of 10 definitions, one point each)
Question 2.	8 points (one point for each word)
Total for Part I	38 points
Part II: WHAT EDUCATORS CAN AND CANNOT DO	
Question 3.	22 points (2 points for each of 11 legal principles)
Questions 4 through 11 . . .	40 points (5 points for each of 8 case digests)
Questions 12 through 17 . .	60 points (3 points for each of 20 parts of 7 questions)
Total for Part II.	122 points
Part III: USE OF LAW BOOKS AND OTHER SOURCES	
Questions 18 through 20 . .	20 points (1 point for each item)

While denying claim of standardization of the test, Remmlein nevertheless declared that the findings "do reveal helpful approximations." Using the high-low group method of item analysis, she sought central

tendencies by eliminating the highest 27 percent and the lowest 27 percent of the sample of 337. Her findings in part were as follows:

The mean percentage correct for the test without Part III (Use of legal resources) was 68.3 with a standard deviation of 17.2, and for the entire test including Part III was 62.2 with a standard deviation of 20.1. Six of the questions were answered correctly by over 90 percent of the sample. Eight questions were answered correctly by less than 30 percent of the sample.

All but 68 or 20 percent of the 337 students in school law classes had had some experience in the public schools. Most were classroom teachers, with 85 principals (25 percent) while 21 superintendents (6 percent) were present. All but 7 percent of the sample of 337 were graduate students.

Lack of public school experience did not appear to affect the score. What slight differences appeared, wrote Remmlein, "tended toward an inverse relationship between achievement on the test and length of experience." This might indicate, by inference, that the longer one spends in the public schools does not necessarily mean that one can gain knowledge of school law through experience alone.

Remmlein further found no relationship between the score achieved and the type of public school experience, or between the score achieved and the number of years of experience in any given position. Thus, teachers might know more school law than their principals or superintendents, since there were wide differences from individual to individual, and from institution to institution in the study.

The following observations seem to be justified in shaping the beginning course in school law:

1) Local conditions (presence or absence of a law library, for example) seem to be more important than content and tend to shape content in each institution (librarians need a different course from, say, counselors);

2) The content of the course should be aimed at the needs of the role-alike persons targeted;

3) The instructor's organization and teaching of the course often leave wide gaps in content and considerable variations from institution to institution and even between instructors in the same institution;

4) The best strategy seems to be to administer an entry examination patterned roughly after the 3-part Remmlein test at the beginning of the term for school law students (and perhaps at the end);

5) Due to the wide variation in prior knowledge of school law to be found in any given class group, it is necessary to adjust the content and methodology used to fit the group's needs at any given time; and

6) Since the main objective is to help the learner survive as an educator, what one can and cannot do as an educator in one's own job setting seems to be the most valuable information that one can teach.

Attention is drawn to the last chapter in Nolte, *How to Survive as a School Board Member: the Legal Dimension* (Chicago: Teach 'em, Inc. 1984) for a sample preliminary test in a beginning school law course.

The value of the test, while not standardized, is to determine what is known at the outset, so that the instructor can know where to begin this very important task of answering the question: What do we want educators to remember five or ten years after completing a basic school law course?